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S/N: 09/681,483

REMARKS

Claims 1-6, 8-13, 15-17, 19-31 are pending in the present application. In the Office Action mailed November 9, 2005 the Examiner rejected claims 17 and 19-23 under 35 U.S.C. §101. The Examiner next rejected claims 17, 19, 21-23, and 31 under 35 U.S.C. §102(e) as being anticipated by Moeller et al (USP 6,694,384). Claims 20 and 24-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moeller et al. in view of Applicant's Admitted Prior Art.

Applicant appreciates the allowability of claims 1-6, 8-13, 15, 16 and 30.

The Examiner rejected claims 17 and 19-23 under 35 U.S.C. §101. While Applicant believes that claims 17 and 19-23 are directed to statutory subject matter, to expedite prosecution of the claims, Applicant has amended the preamble to clarify that the claimed invention is directed to a computerized apparatus. Accordingly, claims 17 and 19-23 are believed to be directed to statutory subject matter.

Claims 17, 19, 21-23, and 31 stand rejected as being anticipated by Moeller et al. The reference, however, fails to teach or disclose each and every element called for in claims 17, 19, 21-23, and 31. Moeller et al. is directed to a method and system to remotely configure business office devices to user defined parameters. Specifically, the reference discloses "a method and system for configuring and/or re-configuring an office device to satisfy each user's particular needs." Abstract. Moeller et al. further states:

FIG. 2 illustrates the method in which a user selects the desired soft features 40 for the limited feature scanner 50. Initially, the user obtains a limited feature scanner from the scanner company. The scanner is equipped to provide a number of features, however, these features are initially disabled and/or set at a minimum level. After accessing the system configuration port 30, the user enters a scanner unit identification number (ID) 170 unique to the user's limited feature scanner 50. The system configuration port 30 confirms the ID 170 and uploads to the user's PC 10 those soft features 40 that are currently available. The user then selects those soft features 40 that he wishes to enable or download to his limited feature scanner 50. Payment 190 for the soft features 40 is then secured via a secured Internet transaction or other secure means. After payment, the user then receives an access key or access code 140 to enter into the scanner for the scanner to configure itself by enable the features selected, and disabling the unselected features when necessary.

The access key 140 is entered into the limited feature scanner 50 either by the user via an alphanumeric keypad on the scanner or via the workstation keypad, or by sending a code or file of information to be loaded into the PC workstation. The limited feature scanner 50 then configures its soft features 40 in accordance with the access key 140 provided to it by the user. The user can then reconfigure the scanner by repeating the above described steps.

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In an alternate embodiment of the invention, the system configuration port, utilizing either the internet connection model 20 or the download application 25 enables and/or disables the hard features of the limited feature scanner 50 in accordance with desire or requirements of the user.

Col. 4, ll. 27-58.

As set forth above, Moeller et al. discloses a system whereby a user accesses a list of available features through an interface on the office device to be reconfigured. Once the desired features are selected, payment is secured over the Internet or other secure means. The user then receives an access key or code to input into the scanner. In an alternate embodiment, Moeller discloses that the access key can be sent to the office device directly. See col. 4, ll. 46-50. In neither case, however, is the feature enablement request made over a first communication interface and access key or code transmission over a second communications interface that is different from the first communications interface. In the system of Moeller et al., both the request and the key transmission are over the Internet or other secure means.

In another embodiment Moeller et al. discloses that a feature enablement request can be made in a telephonic request initiated by a user. This alternate embodiment is described below.

FIG. 3 illustrates a flow chart of another embodiment of the present invention in which a user can remotely configure the scanner by telephoning the scanner company, when the user does not have access to a modem or internet connection. In this embodiment, the user calls the scanner company to turn on the desired feature selected from a menu at step 200. The user provides the scanner company the user's information, the scanner ID number, and the desired features at step 210. In turn, the scanner company gives the user an access code at step 220 which will allow the scanner to configure itself. The scanner company maintains a database of the user's information and the access code. The access code can take any form, but preferably is a unique set of letters and numbers corresponding to any possibly menu selection, i.e., any combination of features.

Once the access code is provided to the user, the billing cycle commences and the customer is billed at step 240. The customer inputs the access code into the scanner at step 260, and the scanner configures itself or enables the selected menu items, at step 270.

Col. 4, l. 59 - col. 5, l. 11.

In this embodiment, Moeller et al. discloses that, in response to a telephonic request, "the scanner company gives the user an access code ... which will allow the scanner to configure itself...The customer inputs the access code into the scanner..." Id. As such, both the request and the access key are transmitted in a common communications interface – namely, a telephone call. This is in stark contrast to that called for in claim 17 which calls for a first communications

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interface to facilitate a feature enablement request and a second communications interface to facilitate a key transmission, the second communications interface being different from the first communications interface. Accordingly, Moeller et al. fails to anticipate claims 17, 19, 21-23, and 31.

Claims 20 and 24-29 were rejected as being unpatentable over Moeller et al. and Applicant's Admitted Prior Art (AAPA). The combination of references, however, fails to teach or suggest that called for in claims 20 and 24-29. As set forth above, in the several embodiments of the system disclosed by Moeller et al., a feature enablement request and the key transmission are made over the same connection – either Internet or telephone. As such, Moeller et al. fails to teach or suggest communicating a feature request over a public communication connection and communicating a software key over a private communication connection.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-6, 8-13, 15-17, 19-31.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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